

REMARKS

With this Response, no claims are amended, added, or canceled. Therefore, claims 21-39 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 21, 23-24, 26, 28-29, 31, 33-34, and 36-38

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0006136 of Mallory et al. (*Mallory*) in view of U.S. Patent No. 5,835,738 of Blackledge, Jr. et al. (*Blackledge*). Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons.

Claim 21 recites the following:

receiving a data signal formatted according to a data communication protocol at a **software data communication platform**, the software data communication platform to support one or more data communication protocols;

determining if the data communication protocol of the data signal is supported by a **hardware data communication platform**, the hardware data communication platform to support a data communication protocol not supported by the software data communication platform, the hardware data communication platform having a filter engine with a filter path to process a data signal for routing and a by-pass path to route the data signal through the filter engine without processing the data signal by the filter engine; and

if the data communication protocol of the data signal is supported by the hardware data communication platform, **indicating to the hardware data communication platform to receive the data signal at the filter path to process the data signal** with the hardware data communication platform, **or else to receive the data signal at the by-pass path** to process the data signal with the software data communication platform.

Independent claims 26, and 31 recite similar limitations directed to software and hardware communication platforms, and indicating to a hardware data communication platform to process a signal or receive the signal at a by-pass path.

As a first matter, Applicant is unable to determine from the cited references, and the Office Action fails to point to what is asserted to disclose the software and hardware communication platforms. Applicant respectfully submits that these elements of the claimed invention are not disclosed or suggested by the cited references. Applicant therefore respectfully requests that the rejection of these claims be withdrawn, because the cited references fail to disclose or suggest at least one element of the claimed invention. If the Office is to maintain the rejection of these claims on the cited references, Applicant respectfully requests that because the references are complex, the Office Action point to the particular parts of the references relied on for each of the elements of the claimed invention. See 37 CFR § 1.104(2).

Furthermore, even assuming the references could be interpreted as disclosing the elements pointed out above, which Applicant does not concede, Applicant submits that the cited references fail to disclose or suggest indicating to a hardware data communication platform to process a signal or receive the signal at a by-pass path, as recited in the claimed invention. The Office Action acknowledges at pages 2-3 that *Mallory* fails to disclose at least this aspect of the claimed invention, and recites *Blackledge* as disclosing this aspect of the claimed invention. Applicant first submits that *Blackledge* does not represent analogous art, in contrast to what is asserted in the Office Action at page 3. *Blackledge* discusses translation of bus protocols from one bus to another to allow control signals to pass over a bus bridge. See Abstract. *Blackledge* fails to consider the use of hardware and software data communication platforms, as recited in the claimed invention. The filtering of signals in the bus bridge as described in *Blackledge* (see col. 3, line 57 to col. 4, line 4; col. 5, lines 40 to 54) fails to disclose or suggest the by-pass path recited in the claimed invention. With the filtering of signals in *Blackledge*, if a signal needs to be translated, it is translated and passed to another bus. If the signal is on the appropriate bus, it is simply forwarded to a device on the bus. In neither case does the bus bridge process the signal – it merely translates the signal.

Therefore, Applicant respectfully submits that the rejection of claims 21, 26, and 31 are not supported by the cited references, at least because the cited references, whether alone or in combination, fail to disclose or suggest at least one element of the claimed invention. Applicant further submits that claims 23-24, 28-29, and 33-34 are not rendered obvious by the cited references for at least the reasons set forth above with respect to the independent claims from which they depend. See MPEP § 2143.03.

Regarding claim 36, Applicant respectfully points out the fact that the limitations of claim 36 are not identical to the limitations of the other independent claims addressed above. The Office Action failed to address the limitations of this claim, simply including this claim in the discussion of the other independent claims, without regard for the fact that this claim includes different elements. Applicant believes in good faith that there is no duty to respond to the rejection of this claim, or the claims that depend from it (claims 37-39), because the Office Action fails to set forth a prima facie case of obviousness with respect to these claims at least because the limitations of the claims were not addressed. Applicant submits that these claims include limitations not disclosed or suggested by the cited references, and therefore respectfully requests that the rejection be withdrawn.

Claims 22, 27, and 32

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mallory* and *Blackledge* in view of U.S. Patent No. 5,953,340 of Scott et al. (*Scott*). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. *Scott* is not cited as curing the deficiencies of the primary references, and Applicant submits that it does not cure the deficiencies of the primary references discussed above. Thus, whether alone or in combination, the cited references fail to disclose or suggest at least one of the elements of the claimed invention as set forth in the independent claims, and so fail under MPEP § 2143 to support an obviousness rejection of either the independent or dependent claims.

Claims 25, 30, 35, and 39

Claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mallory* and *Blackledge* in view of U.S. Patent No. 5,550,803 of Crayford et al. (*Crayford*). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. *Crayford* is not cited as curing the deficiencies of the primary references, and Applicant submits that it does not cure the deficiencies of the primary references discussed above. Thus, whether alone or in combination, the cited references fail to disclose or suggest at least one of the elements of the claimed invention as set forth in the independent claims, and so fail under MPEP § 2143 to support an obviousness rejection of either the independent or dependent claims.

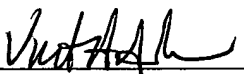
CONCLUSION

For at least the foregoing reasons, Applicant submits that all rejections have been overcome placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Vincent H. Anderson
Reg. No. 54,962

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
Telephone: (503) 439-8778

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Signature:  12/12/05
Theresa Belland Date